



**United States Department of Agriculture**

Research, Education, and Economics  
Agricultural Research Service

**SUBJECT:** FY 2011 Anti-Harassment Policy Statement

**TO:** All Employees

**FROM:** Edward B. Knipling /s/  
Administrator

As the Administrator for the Agricultural Research Service (ARS), I want to express my strong commitment to prohibit sexual and other types of harassment in the workplace. I encourage managers, supervisors, and employees to remain cognizant of this policy and refrain from, and take steps to prevent acts of harassment of any nature.

Harassment is any verbal or physical conduct that is unwelcome and denigrates or shows hostility or aversion toward an individual. It creates an intimidating, hostile or offensive work environment that may interfere with work performance or otherwise, adversely affects employment opportunities. Harassment conduct includes, but is not limited to, bullying, epithets, slurs, negative stereotyping, threatening, intimidating, written or verbal disrespectful comments, or graphic material to denigrate an individual or group.

Bullying is a form of harassment and can create a hostile work environment over a period of time. Bullying conduct includes, but is not limited to, unwarranted or disproportionate criticism of an employee's work performance which is unsupported by the facts; aggressive behavior or shouting; preventing an employee from speaking by using aggressive and/or obscene language; intimidation; manipulation of the employee's reputation through gossip; physical attack; and threatening gestures.

All claims of harassment must be resolved before they become severe or pervasive. All ARS employees, applicants, and service recipients should express harassment complaints without fear of retaliation. All acts of harassment or retaliation must be reported immediately through the appropriate office.

Harassment allegations will be investigated, and any employee(s) determined to harass other(s) will be subject to disciplinary or adverse action.

ARS employees seeking relief from harassment (sexual or non-sexual) or from alleged discrimination based on race, color, religion, national origin, age, disability, sexual orientation,

genetic information, marital or parental status, must contact the Office of Outreach, Diversity, and Equal Opportunity (ODEO), at 1-800-340-4289, or 202-720-3410 within 45 calendar days of an alleged incident.

Enforcement guidance from the Equal Employment Opportunity Commission (EEOC) on employer liability, states that “an employer is always liable for harassment by a supervisor on a prohibited basis that culminates in a tangible employment action.” Tangible employment actions include hiring and firing, promotion and failure to promote, demotion, undesirable reassignment, a decision causing significant change in benefits, compensation decisions, and work assignment. The guidance also provides that “in some circumstances, an employer may be subject to vicarious liability for harassment by a supervisor who does not have actual authority over the employee.”

The EEOC Enforcement Guidance, Notice 915.002, *Vicarious Employer Liability for Unlawful Harassment by Supervisors*, is located on the EEOC website:

<http://www.eeoc.gov/policy/docs/harassment.html>

All employees must be proactive in preventing harassment and promoting a discrimination free workplace.